

EXHIBIT 3

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
MARVEL CHARACTERS, INC.,

Plaintiff and Counterclaim-Defendant,

-against-

Case No.:

1:21-cv-7955-LAK

and consolidated

cases, Nos.:

21-cv-7957 LAK and

21-cv-7959 LAK

LAWRENCE D. LIEBER,

Defendant and Counterclaimant.

-----X
MARVEL CHARACTERS, INC.,

Plaintiff and Counterclaim-Defendant,

-against-

KEITH A. DETTWILER, in his capacity as
Executor of the Estate of Donald L. Heck,
Defendant and Counterclaimant.

-----X
MARVEL CHARACTERS, INC.,

Plaintiff and Counterclaim-Defendant,

-against-

PATRICK S. DITKO, in his capacity as
Administrator of the Estate of Stephen J.
Ditko,

Defendant and Counterclaimant.

-----X

DATE: October 25, 2022

TIME: 9:41 A.M.

(Caption continues on following page.)

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REALTIME VIDEOTAPED DEPOSITION
of the Defendant, LARRY LIEBER, taken by
the Plaintiff and Counterclaim-Defendant,
pursuant to a Court Order and to the
Federal Rules of Civil Procedure, held at
the offices of O'Melveny & Myers, LLP, 7
Times Square, Times Square Tower, New York,
New York 10036, before Karyn Chiusano, a
Notary Public of the State of New York.

A P P E A R A N C E S:

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BY: MARC TOBEROFF, ESQ.

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ALSO PRESENT:

MARCELO RIVERA, Videographer

MOLLY LENS, O'Melveny & Myers, LLP

DANIELLE FEUER, O'Melveny & Myers, LLP

ELI BARD, via Zoom

JAYMIE PARKKINEN, via Zoom

* * *

F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

* * * *

LARRY LIEBER

second novel. I live alone and my powers of recollection are not as good as they once were. Also, I feel I should tell you that although I worked with most of the people you mentioned, I did not really know them well. A few of them, I have never even met. Stan would give me a one-page plot outline for a story, I would write the script, return it to Stan, who then would have it sent to an artist who, after drawing it, would send it to a letterer and then, it was inked and colored, while I was home working on the next script."

And all of that is true; right?

MR. TOBEROFF: Wait.

A. I -- may I say? I made a mistake in this. And the mistake is would give me a one-page -- I would write the script, return it to Stan and then, would have it sent -- he didn't have it sent to -- to the artist -- to the artist but -- and then the letterer, I think it was the reverse: He had it sent to the letterer and then the artist.

1 LARRY LIEBER

2 Q. Okay. But aside from that, the
3 rest of it is true?

4 A. And -- and --

5 MR. TOBEROFF: Read the letter.

6 MR. PETROCELLI: Please don't
7 interrupt the witness.

8 Q. Aside from --

9 MR. TOBEROFF: If you want the
10 witness to attest whether something
11 is true or not, I am asking him to
12 read the letter.

13 THE WITNESS: You -- you -- you
14 mean this whole -- whole --

15 MR. TOBEROFF: No.

16 Just read it.

17 MR. PETROCELLI: Timeout.

18 Timeout.

19 Q. I have a question.

20 My question to you is: You
21 gave a clarification. Aside from that
22 clarification, is what you wrote here true?

23 (Witness reviews document.)

24 A. What I -- what I read to you is
25 true.

1 LARRY LIEBER

2 And after -- I forget whether
3 it was a year or two years, it was a brief
4 thing and then, I went back to Marvel.

5 That's when Stan offered me
6 the, um, the job in the British Department.

7 Q. Which is what?

8 A. Well, as an Editor.

9 And that was the first time I
10 was on staff. And well, I was in the
11 British Department.

12 Q. Okay. The time period that I am
13 going to focus on is when you were writing
14 scripts in the early 60's for --

15 A. That's before?

16 Q. Beforehand, right.

17 Where, for lack of a better
18 word, I will call it the superhero
19 characters; okay?

20 A. Yes.

21 Q. Okay. And this is at a time
22 when Stan was giving you the plots and you
23 were writing the scripts; right?

24 A. Yeah.

25 Before -- I think -- I -- there

1 LARRY LIEBER

2 was a period where, for seven years, I did
3 that "RAWHIDE KID", which I --

4 Q. Yes.

5 I was going to ask you about
6 that but I'm -- exactly right because --

7 A. I don't remember when, now they
8 -- which came (indicating.)

9 Q. There came a time instead of
10 writing scripts for the superhero
11 characters, based on Stan's plots, you
12 started both writing and illustrating the
13 "RAWHIDE KID's" Comics; right?

14 A. Yes.

15 Q. And you had more freedom at
16 that point; right?

17 A. Yes.

18 Stan didn't even edit it.

19 He said he wouldn't -- I'm on
20 my own.

21 Q. And you did the "RAWHIDE KID"
22 for around seven years or so?

23 A. Yes.

24 Q. And after the "RAWHIDE KID",
25 that's when you went to Atlas; right?

1 LARRY LIEBER

2 superhero books, starting with The
3 Fantastic 4.

4 That left an opening for the
5 "RAWHIDE KID". Nobody -- and Stan offered
6 me the "RAWHIDE KID".

7 Q. Well, okay. I am not going to
8 really focus on the "RAWHIDE KID".

9 A. Oh, but that's how -- in time,
10 it -- it -- I must have started it at the
11 same time as -- as the superheroes was
12 starting, is what I --

13 Q. Well, I will see if I can
14 refresh your memory on the exact sequence.
15 I know it's been a long, long time ago.

16 A. Yes.

17 Q. But I am going to focus on the
18 -- on the work that you did writing scripts
19 based on Stan's plots for the superheroes;
20 okay?

21 A. Yes.

22 Q. So, focussing now, not on the
23 "RAWHIDE KID"; okay?

24 Focussing on the characters,
25 like "ANT-MAN", "IRON MAN", "THOR": You

1 LARRY LIEBER

2 wrote scripts based on plots that Stan Lee
3 gave you; right?

4 A. Yes.

5 Q. And Stan was the person who
6 gave you the assignments to write a
7 particular script; is that correct?

8 MR. TOBEROFF: Objection.
9 Assumes facts.

10 Q. You may answer.

11 A. Yes.

12 Q. Okay. And in terms of the idea
13 for the stories that you scripted, the
14 ideas came from the plots and synopses that
15 Stan gave you; is that correct?

16 MR. TOBEROFF: Asked and
17 answered.

18 Q. When he objects, by the way,
19 you can answer.

20 A. Okay.

21 MR. TOBEROFF: He knows that.

22 Q. Unless he tells you not to
23 answer; okay?

24 MR. TOBEROFF: He knows that.

25 MR. PETROCELLI: Well, he's

LARRY LIEBER

script. And then, I would write the captions on the script, if there were captions in the story on -- on a -- you know, on a sunny Tuesday, so and so and so and so.

And, I would put in the dialogue for each of the characters. So, that's what I mean, I made it into a story from -- from the plot (indicating.)

Q. And Stan Lee came up with the ideas for the characters that would be in the story; right?

MR. TOBEROFF: Vague.

A. Well, may I answer?

Q. Yes.

You may answer.

MR. TOBEROFF: You may always answer, unless I instruct you not to answer.

Just give me an opportunity to object.

THE WITNESS: Okay.

A. He came up with the main -- yeah, I would certainly say the main

1 LARRY LIEBER

2 characters.

3 Q. Like "IRON MAN"?

4 A. Oh, yes.

5 Q. And "THOR"?

6 A. And "THOR".

7 Q. And "ANT-MAN"?

8 A. Yes.

9 Q. Okay.

10 MR. TOBEROFF: That was him.

11 Q. In fact, all of the ideas for
12 stories came from Stan --

13 MR. TOBEROFF: Misstates
14 testimony.

15 Q. -- correct?

16 All the ideas for stories that
17 you wrote scripts for came from Stan Lee;
18 correct?

19 A. From the superheroes.

20 Q. Yes.

21 A. Except the Old West.

22 And yes.

23 Q. Yes.

24 We are not talking about the
25 westerns.

1 LARRY LIEBER

2 A. Right. Yes.

3 Q. Okay.

4 A. They all came from Stan.

5 Q. Okay. When Stan gave you an
6 assignment to do a script, did he give you
7 a deadline?

8 MR. TOBEROFF: Um --

9 A. Um --

10 MR. TOBEROFF: Objection.

11 Again, assuming facts.

12 You may answer.

13 A. Um, yes.

14 There was a deadline.

15 Q. What were the typical deadlines
16 you received?

17 A. I don't recall.

18 Q. When you were writing scripts
19 for stories received from Stan, where Jack
20 Kirby was to be the artist, Stan would
21 frequently tell you that Jack drew very
22 quickly; is that right?

23 A. Well, I had known that from --
24 he did most of the monster books at the
25 beginning, so, I knew he drew -- he drew

1 LARRY LIEBER

2 Q. And the penciler?

3 A. No. Wait a minute.

4 The penciler.

5 Q. The penciler is first?

6 A. Yeah. It would go to the
7 penciler.

8 Q. Before we go to the penciler,
9 though, Stan reviewed your scripts?

10 A. The script, right.

11 Q. And sometimes, he made changes;
12 right?

13 A. He. You know, I don't recall.

14 I recall in the early days of
15 the monsters but I don't recall him making
16 it and --

17 Q. And as time went on, as you did
18 this more and more, Stan did fewer
19 corrections to make; right?

20 A. Yeah.

21 That's why I don't recall him,
22 that point. I don't.

23 Q. And you understood Stan had the
24 right make the changes to your scripts;
25 right?

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LARRY LIEBER

A. Oh, of course.

Q. Other than talking to Stan --
MR. PETROCELLI: Well, time
out.

(Whereupon, a short recess was
taken.)

Q. When Stan made changes to your
scripts, did he go over those changes with
you or did he just make them and pass them
onto to the penciler?

MR. TOBEROFF: Assumes facts.
And misstates his testimony
about changes.

MR. PETROCELLI: Watch the
speaking objections.
You don't need to identify the
portion --

MR. TOBEROFF: That's not an
objection, a speaking objection.

MR. PETROCELLI: Otherwise.
You could be inadvertently coaching
the witness.

A. Can you repeat that? I go -- I
think I can --

1 LARRY LIEBER

2 "QUESTION: And then, after you
3 did the assignment and you -- what
4 would happen? Then you would bring
5 it to the office?

6 "ANSWER: I would grow to the
7 office --

8 MR. PETROCELLI: I think that
9 means "go."

10 THE WITNESS: Go.

11 "ANSWER: -- go to the office
12 with it. Yeah, I would bring it to
13 the office.

14 "QUESTION: And what would
15 happen next?

16 "ANSWER: He would go over it
17 and as I said, if it were in the
18 early years, he might correct or
19 change a line or two. But he always
20 used it. He -- he -- I never had to,
21 you know, go home and do it again. He
22 was very easy. He was showing me. He
23 said "oh, you could have said this,
24 you could have done that" and he'd
25 make some little corrections. And as

1 LARRY LIEBER

2 time went on, he had fewer to make."

3 Q. And all of that testimony that
4 you gave was true; right?

5 A. Yes.

6 But I was referring to the
7 years with the monster books.

8 Q. But he -- he -- Mr. -- your
9 brother, Lee {sic}, continued to review the
10 scripts that you gave for the superheroes;
11 right?

12 A. I'm sure he -- or I am not
13 sure. Wait a minute. I shouldn't say "I am
14 sure."

15 I don't know.

16 With the monster scripts, at
17 that point, I brought them in and gave it
18 to him and what he did, I -- I -- I can't
19 recall that.

20 But when I said this, by my
21 language here, I know I was referring -- I
22 said -- he always used to go over it. He
23 -- he would sometimes just cross something
24 out or tell me "change the word."

25 He did it very easily, that's

1 LARRY LIEBER

2 correct?

3 A. Well, when I say "it was the
4 same process," does that imply that -- it
5 was the same -- let me ample: It was the
6 same process in that I wrote the story and
7 I handed it and I gave it to him. It might
8 have been different in that he -- he didn't
9 -- he didn't bother correcting or feel a
10 need to correct me at that point.

11 Q. But he still had the right to
12 correct you, if he thought the corrections
13 were appropriate?

14 MR. TOBEROFF: Objection.

15 Calls for a legal conclusion as
16 to "right."

17 Q. You may answer.

18 A. In my -- in my -- I -- I would
19 have thought that he did have the right.

20 Yes, I would have felt it.

21 Q. You're saying that as time went
22 on and your writing style improved, you
23 believe that Stan had less need to make
24 corrections?

25 A. Yes; absolutely.

1 LARRY LIEBER

2 Q. Okay. But if he thought he
3 wanted to change something, with respect to
4 the superheroes --

5 A. He could.

6 Q. -- you understood that he could
7 change it, if he wanted to; right?

8 MR. TOBEROFF: Objection.

9 Asking a lay witness for a
10 legal conclusion.

11 Q. You may answer.

12 A. Yes.

13 Q. Thank you.

14 A. It was my understanding that he
15 could.

16 Q. Okay. That's all. That's what I
17 am asking. Thank you.

18 During this period of time,
19 when you were working on the -- on the
20 Marvel superheroes in the 60's, you never
21 submitted any work to Marvel that had not
22 began assigned to you from Sam -- from
23 Stan; correct?

24 A. I don't think I did. No.

25 Q. Okay.

1 LARRY LIEBER

2 A. To the -- I don't know. I don't
3 think so.

4 Q. Well, could you take a look at
5 your deposition, at 110?

6 (Witness complies.)

7 Q. Page 21.

8 MR. TOBEROFF: When you say 1
9 -- Page 21?

10 MR. PETROCELLI: No.

11 Page 110.

12 I'm sorry. Line 21. Line 21.

13 Q. Do you see the yellow part,
14 that's under -- highlighted, on Page 110?

15 (Witness reviews document.)

16 A. Yes.

17 Q. For the period 1958 to 1965,
18 did you ever submit any work to Marvel that
19 hadn't been assigned to you?

20 "ANSWER: No. No."

21 Q. Do you see that?

22 (Witness reviews document.)

23 A. Yes.

24 Q. And that was true testimony;
25 right?

1 LARRY LIEBER

2 A. I -- I -- I believed it, when I
3 said it.

4 Q. Okay. And that was true for
5 all of your scripts on the superhero work?

6 A. You mean submitting on my own?
7 Yes. I believe so.

8 Q. In other words, all of the work
9 that you did on the superheroes was
10 assigned to you from Stan Lee?

11 A. Yes.

12 Q. Okay.

13 A. I think so.

14 Q. Thank you.

15 MR. TOBEROFF: You have to
16 speak audibly.

17 A. Yes. I --

18 MR. TOBEROFF: We heard you but
19 --

20 THE WITNESS: Oh.

21 MR. TOBEROFF: -- I'm saying in
22 the prior answer, you trailed off.
23 You trailed off.

24 You said "I think so."

25 THE WITNESS: I am getting

1 LARRY LIEBER

2 confused.

3 Q. Your answer -- your answer, it
4 was clear.

5 Thank you.

6 (Whereupon, a short recess was
7 taken.)

8 Q. After you submitted your script
9 to Stan Lee, after turned it in; okay, did
10 you ever have any contact with the artists,
11 colorers, inkers, pencilers about your
12 script?

13 A. Not that I can recall.

14 Q. Okay.

15 MR. PETROCELLI: Why don't we
16 take a short break right now; okay?

17 THE VIDEOGRAPHER: The time is
18 12:13 P.M.

19 We are going off the record.

20 (Whereupon, a short recess was
21 taken.)

22 THE VIDEOGRAPHER: The time is
23 12:38 P.M.

24 We are back on the record.

25 MR. PETROCELLI: Can you put

1 LARRY LIEBER

2 I wouldn't do that.

3 Q. Okay.

4 A. I wouldn't do that.

5 Q. But you did get paid for all of
6 the work that you did for Marvel?

7 A. Oh, yes.

8 Q. Yes.

9 And you submitted a voucher;
10 right?

11 A. Yes.

12 Q. And you got a check; right?

13 A. Yes.

14 Q. And you got --

15 MR. TOBEROFF: Vague is the
16 period.

17 MR. PETROCELLI: I am referring
18 to 1958 to 1965.

19 Q. And for your -- and for your
20 purposes, if it's important to you, I am
21 referring to -- to the time period before
22 you started working on the "RAWHIDE KID";
23 okay?

24 A. Yeah.

25 Q. And -- and you submitted a

1 LARRY LIEBER

2 voucher and you got a check; right?

3 MR. TOBEROFF: In 1958 to 1965?

4 MR. PETROCELLI: Yeah.

5 MR. TOBEROFF: That's the
6 question.

7 A. Yes.

8 Q. Okay. And you were paid a
9 per-page rate for your work; correct?

10 A. Yes.

11 Q. Who would hand out the checks?

12 A woman, named Millie?

13 A. Yes. Yes.

14 I -- I -- I believe -- I have
15 tried to think of that and I -- I don't
16 know if it was a special day. I think there
17 might have been, where the freelancers had
18 to come into the office to get the -- the
19 checks and there might have been another
20 day when the people on staff got them.

21 Q. Okay.

22 A. I -- I -- I did -- vaguely.

23 Q. You don't have copies of any of
24 those checks, do you?

25 A. No. No. No.

1 LARRY LIEBER

2 Q. Okay. Was there anything
3 printed on the back of the check?

4 A. Well, I -- on -- on -- on them?
5 Yeah, there was something.

6 Q. Do you recall?

7 A. I don't recall what it was,
8 except the gist of it was, like, that it
9 now belonged to -- to -- to Marvel and --
10 and, you know, it didn't belong to me.

11 Q. And -- and do you know if that
12 was written on every check that you
13 received?

14 A. I believe so.
15 But I -- but I -- I don't -- I
16 -- I believe so. I -- I think it was the
17 custom. I --

18 Q. Do you know --

19 A. Let's say I didn't notice.
20 I didn't look at every check,
21 the back of it.

22 Q. Other than the per-page rate,
23 did you receive any other money for the
24 scripts?

25 A. Of course.

1 LARRY LIEBER

2 There was something --

3 MR. TOBEROFF: He's talking
4 about between 1958 and 1965.

5 A. No.

6 I mean for the -- for the --
7 for the -- for the scripts? No. I don't
8 think so. No.

9 Q. Okay. So, for example --

10 A. I was thinking of bonuses but
11 that was for people on staff.

12 Q. Okay. So, your sole
13 compensation was the per-page rate?

14 A. As far as I know, yes.

15 Q. Okay.

16 A. That's all.

17 Q. And you got that per-page rate
18 whether or not the comic was a flop or was
19 a big hit; right?

20 You still got the same per-page
21 rate?

22 MR. TOBEROFF: Vague.

23 A. Yeah.

24 As -- as long as they accepted
25 my --

1 LARRY LIEBER

2 don't want you to speculate. I only
3 want you to testify as to your
4 knowledge, period.

5 Q. I am entitled to your best
6 recollection, sir, to be clear.

7 MR. TOBEROFF: Exactly.

8 Q. So, give me your best
9 recollection; who -- who --

10 MR. TOBEROFF: And your
11 knowledge.

12 THE WITNESS: What was the
13 question?

14 Excuse me.

15 Q. -- approved the comics as they
16 were being processed and made the final
17 decision that they can be published?

18 A. Well, Stan had to approve --
19 had to approve the plot and the artwork and
20 the other things and -- before it went to
21 the engraver.

22 Q. Okay. If it went to the
23 engraver, then it would get published?

24 A. As far as I -- I -- I know.

25 Q. Okay. Can you identify any

1 LARRY LIEBER

2 A. No.

3 Q. Okay. And when you did
4 "RAWHIDE", were you still paid the same
5 way, per page?

6 A. Oh, yes.

7 Everything I did was per page.

8 Q. Okay.

9 A. Yeah.

10 Q. And I had asked you about Don
11 Heck and you indicated that you really had
12 pretty much no knowledge about what he did.

13 A. No. I knew of --

14 MR. TOBEROFF: Wait. Wait for
15 the next question.

16 THE WITNESS: Oh.

17 Q. So, my -- what about Steve
18 Ditko? Do you know whether he was ever
19 assigned work by someone, other than Stan
20 Lee or another Marvel Editor, while he was
21 at Marvel?

22 A. I have no idea.

23 Q. Would your answer be the same
24 for Jean Colon?

25 A. Yes.

1 LARRY LIEBER

2 A. No.

3 That's why I guess -- that's
4 why I guess I am confused with the "RAWHIDE
5 KID" and, you know, which came first.

6 Q. These do not --

7 A. I know.

8 Q. These did not go into "RAWHIDE"
9 KID"?

10 A. I never kept records of -- of
11 -- of this. No.

12 Q. Okay. It's correct that all of
13 the scripts that you worked on, again prior
14 to "RAWHIDE KID", we are not talking about
15 "RAWHIDE KID".

16 All of the scripts that you
17 worked on that are listed in your
18 Termination Notices --

19 A. Yes.

20 Q. -- these are scripts that you
21 wrote all based on plots or synopsis from
22 Stan Lee; right?

23 A. To the best of my recollection.

24 Q. And he -- and in every case, he
25 would assign you these stories to write;

1 LARRY LIEBER

2 right.

3 Let me repeat --

4 A. It's vague to me, in my memory.

5 Q. All of the scripts that you
6 wrote were based on assignments that Stan
7 --

8 A. I would say yes.

9 Q. -- that Stan gave you?

10 A. I would say yes.

11 But if you ask me do I recall
12 walking into the room?

13 Q. I am not asking you that; okay?

14 A. Okay.

15 Q. Do you recall anybody, other
16 than Stan, giving you assignments? Anybody
17 at Marvel, other than Stan, giving you the
18 assignments to write the stories?

19 A. These stories (indicating)?

20 Q. Yes.

21 You're referring to the
22 exhibit.

23 A. I don't recall anybody else.

24 Q. Okay. And for each of these
25 stories, on Exhibit 1, after you wrote the

1 LARRY LIEBER

2 A. Yes. I would think so, yes.

3 Q. The same process was employed
4 for all of these works?

5 A. To the best of my recollection,
6 yeah.

7 Q. Okay. And you were paid for all
8 of these stories that -- that are in --
9 that are in the works in your Termination
10 Notices, on a per-page basis; correct?

11 A. Yes. I believe.

12 Q. And that was the only money you
13 got was when you got paid for those scripts
14 on a per-page basis?

15 A. Yes.

16 Q. Okay. You can put that away and
17 let me just show you the next exhibit.

18 (Witness complies.)

19 MR. PETROCELLI: This will be
20 Exhibit 24.

21 (Whereupon, Defendant Lieber's
22 Second Amended Responses and
23 Objections to Plaintiff's First
24 Interrogatories to Lawrence D. Lieber
25 was marked as Plaintiff's Exhibit 24

1 LARRY LIEBER

2 A. It says "Ditko."

3 I don't know.

4 (Witness reviews document.)

5 A. My memory, I just don't know.

6 Q. Okay. If you don't remember --

7 A. These documents all seem alike
8 to me.

9 Q. Okay. I just want to ask you a
10 couple of questions about this.

11 A. I can't say that I have --
12 okay.

13 MR. TOBEROFF: You have to speak
14 clear.

15 You're speaking in a very low
16 voice.

17 THE WITNESS: Oh. Yeah.

18 A. I can't say with --

19 MR. TOBEROFF: Okay. They heard
20 you.

21 THE WITNESS: All right.

22 Q. Okay. You can put that down for
23 a second.

24 (Witness complies.)

25 Q. You did not begin writing a

1 LARRY LIEBER

2 script until Stan gave you the plot or the
3 synopsis; is that correct?

4 A. He -- that -- yes.

5 Q. And again, we are not talking
6 about "RAWHIDE" now. This is before
7 "RAWHIDE".

8 A. Yes.

9 Q. Okay.

10 A. He gave me the plot, yeah.

11 Q. And that's when you started
12 your work on this script; right, after you
13 got the plot or synopsis?

14 A. After I got -- right, his plot.

15 Q. Okay.

16 MR. TOBEROFF: Objection;
17 vague, as to what we are talking
18 about.

19 Q. So, let me direct you to
20 Request For Admission Number 2, which is on
21 Exhibit 25.

22 (Witness complies.)

23 Q. It's on Page 3.

24 (Witness reviews document.)

25 Q. It says: "Admit that you did

1 LARRY LIEBER

2 some very, um, um, accusatory remarks
3 that I don't like but you're right.

4 That one, I withdraw what I
5 said previously.

6 MR. PETROCELLI: Okay.

7 Q. So, you were paid for the work
8 that you did; correct?

9 A. As far as I know, yes.

10 Q. Thank you.

11 A. I -- I -- yes.

12 Q. And you already testified to
13 that so let me go see if I have any others.

14 Would it be fair to say, since
15 you never saw this document, you don't
16 really know why your lawyer answered the
17 way that he did on any of these?

18 MR. TOBEROFF: Objection.

19 It misstates the testimony

20 He didn't say he never saw the
21 document.

22 Q. You said you don't recall
23 whether or not you saw this document.

24 A. I don't recall.

25 Q. Is it -- so I won't have to

1 LARRY LIEBER

2 guy. You must be exhausted."

3 And I mentioned to a friend of
4 mine in the business there, an inker, I
5 said "poor Stan. He was home on the
6 weekend and he wrote 50 pages" and the guy
7 said -- and my friend said to me: "Larry,
8 if you can write 50 pages on a weakened,
9 wouldn't you do it?"

10 And of course, I had to laugh.
11 And I said "I wish I could."

12 Q. And during the late 50's and
13 the 60's, when you would write these comic
14 book stories, did -- were you paid a
15 salary?

16 A. No.

17 I was paid by the page.

18 Q. Did you receive any health
19 benefits --

20 A. No.

21 Q. -- from the company?

22 A. No.

23 Q. Did you receive any retirement
24 benefits from the company at that time?

25 A. No.

1 LARRY LIEBER

2 leading.

3 Q. All right. The after you wrote
4 your story, what would happen?

5 A. I would -- I would go to Marvel
6 and turn it in to -- to the Editor or to --
7 who I don't remember, to his secretary or
8 maybe even -- there were a few people, it
9 might have been Sol Brodsky or somebody
10 else, Paul Stymler or Stan, himself.

11 I mean I would just turn it in
12 to the company.

13 Q. If they published your story,
14 would you be paid for it?

15 A. Yes.

16 Q. By the page?

17 A. Yes.

18 Q. Okay. Before they paid you by
19 the page, did Marvel own the story or did
20 you own the story, in your opinion?

21 MR. PETROCELLI: Object -- I
22 object to the form of the question.

23 A. Well, before they -- before
24 they paid me for it, they didn't have it, I
25 had it. It's mine. I wrote it. I owned

1 LARRY LIEBER

2 Q. Okay. Everyone of the stories
3 that you wrote for the superheroes, every
4 single one, you got paid for; correct?

5 A. Yes.

6 Q. The one example that you
7 discussed, where you had to redo the plot,
8 that happened long afterwards, even after
9 "RAWHIDE KID"; is that correct?

10 A. Oh, yes.

11 Q. And you got paid --

12 MR. TOBEROFF: Wait for me to
13 object. Wait for me to object.

14 THE WITNESS: I forgot. I
15 forgot.

16 MR. TOBEROFF: To everything
17 you're saying.

18 Q. And you did get paid for the
19 pages that you wrote, when you finally
20 submitted them?

21 A. When I wrote the story? Yes.

22 MR. TOBEROFF: You would not
23 wait -- letting me object; okay?

24 So, my objection is that these
25 questions are vague, overbroad and

1 LARRY LIEBER

2 of the checks.

3 You don't recall whether the
4 back of the checks said that you were
5 selling something?

6 A. I don't recall.

7 Q. Okay.

8 MR. TOBEROFF: Wait a second.

9 He is still talking and he said
10 "okay."

11 MR. PETROCELLI: He said "I
12 don't recall."

13 MR. TOBEROFF: No.

14 He said I don't recall but he
15 is talking and you feel it's okay to
16 him off because you want to cut it
17 off at "I don't recall" but he was
18 still talking.

19 MR. PETROCELLI: Do you want
20 him to elaborate, Marc?

21 MR. TOBEROFF: Yes.

22 MR. PETROCELLI: He wants you
23 to elaborate because you didn't like
24 your answer.

25 MR. TOBEROFF: That's not true.

1 LARRY LIEBER

2 You cut him off while he was still
3 speaking and you shouldn't be doing
4 that.

5 Q. Please finish the answer.

6 A. I forgot the question.

7 Q. I'll ask you again: You don't
8 recall that on the back of the check, it
9 said that you were selling something; is
10 that correct?

11 MR. TOBEROFF: It misstates his
12 testimony.

13 A. I don't recall what it said.

14 Q. Okay. Thank you.

15 MR. TOBEROFF: Again, you cut
16 him off. He was talking.

17 You said okay, while he was
18 still talking.

19 THE WITNESS: That's all I had
20 to say.

21 MR. PETROCELLI: Marc, you just
22 heard your own client said "that's
23 all I had to say."

24 MR. TOBEROFF: No. But he was
25 talking. You said okay. You cut him

1 LARRY LIEBER

2 said "yes," instead of "okay."

3 I am confused.

4 Q. You were asked some questions
5 about how you wrote your stories.

6 Do you remember that?

7 A. Yes.

8 Q. You gave a very long answer.

9 A. Yeah. Yeah. Well, I -- I -- I
10 felt that was -- I like to explain myself.

11 Q. No. That --

12 A. Explain what went on here.

13 Q. Now, you didn't select who the
14 artist was going to be for your scripts;
15 right?

16 A. No. No.

17 Q. Stan Lee did that; is that
18 correct?

19 A. Yes.

20 Q. And you didn't select who the
21 letterers or the colorers were going to be;
22 right?

23 A. No.

24 Q. And when you turned your script
25 in and as you testified, Stan had an

1 LARRY LIEBER

2 opportunity to review it; right?

3 A. I am sure he did.

4 Q. Okay. After you turned it in,
5 you had no further communication or contact
6 with anybody except, perhaps, with Stan, if
7 he had some discussion with you?

8 A. Yes. That's right.

9 Q. And so, you had no idea how
10 that comic story was going to ultimately
11 appear until you saw it in the comics after
12 it was published; is that right?

13 A. Well, I -- I assume they would
14 follow my story but I had -- I had no idea
15 -- yeah, right.

16 The next time I saw -- I knew
17 anything about it is when it came out, you
18 know, in the comic book form.

19 Q. Okay.

20 A. Unless I happen to see somebody
21 in the office inking it or lettering or
22 something.

23 Q. And did you always look at the
24 comics once they were published?

25 A. No. No.

LARRY LIEBER
E X H I B I T S

PLAINTIFF'S EXHIBITS

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1	Letter being dated January 31, 2011	23
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4	Document entitled: "Comic Book Marketplace, Special Halloween Horror-Fest! Jim Warren's Creepy & Eerie! Plus: Grisly, Gruesome and Ghastly...Pre-Code	

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7		"Tribute: 2003 Kirby Tribute	
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10		Century Danny Boy"	49
11	8	Document with picture of	
12		Stan Lee on cover, entitled:	
13		"Special STAN LEE 85th	
14		Birthday Issue!"	51
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18		Yahoos!"	176
19	22	Contract, beginning with	
20		the words: "AGREEMENT made	
21		this 14 day of June, 1978,	
22		by and between Larry	
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PAGE LINE QUESTION

72 6 Mr. Lieber, you did speak to
your counsel during the break;
is that correct?

C E R T I F I C A T E

KARYN CHIUSANO